



City Clerk

## CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that **"Ordinance No. 28569"**, the original copy of which is attached hereto, was passed for publication of title on the **19<sup>th</sup> day of May, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **2<sup>nd</sup> day of June, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

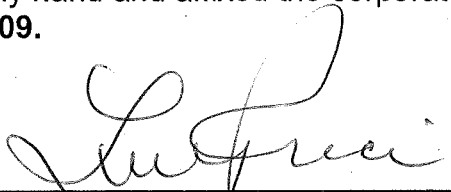
DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **July 3, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **4<sup>th</sup> day of June, 2009**.

(SEAL)

  
LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28569**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 23.02.800 AND 23.02.1220 OF CHAPTER 23.02, AMENDING SECTIONS 23.04.010 AND 23.04.030 OF CHAPTER 23.04, AND ADDING A NEW SECTION 23.02.365 TO CHAPTER 23.02, ALL OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE, TO ESTABLISH REGULATIONS FOR A STEVENS CREEK SIGNAGE AREA**

**WHEREAS**, the environmental impacts related to the activities proposed under this Ordinance were analyzed, pursuant to the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder and the provisions of Title 21 of the San José Municipal Code, under that certain environmental impact report prepared for the City of San José 2020 General Plan, and related City Council Resolution No. 65459, under Public Project File No. PP08-273, dated December 2, 2008, which environmental analysis has not been challenged, protested or appealed

**WHEREAS**, the City Council of the City of San José is the decision-making body for this proposed Ordinance; and

**WHEREAS**, this Council has considered and approves the environmental analysis performed for this project prior to taking any approval actions on this proposed Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

**23.02.365    Outdoor Retail Display Frontage.**

"Outdoor retail display frontage" means the street frontage of a parcel that includes an outdoor area used for the display of items for retail sale where the outdoor display area is at least 3,000 square feet in area and is located within ten (10) feet of the nearest adjacent street for a distance of no less than fifty (50) linear feet along that street.

**SECTION 2.** Section 23.02.800 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.02.800    Policy.**

- A. Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Title, it is the intent of the City of San Jose to promote attractive signage, facilitate traffic safety, promote commerce, and to comprehensively address community aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of San Jose is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.
- B. In addition to sign zones based on zoning districts, the following special sign zones have been designated:
  - 1. Downtown Sign Zone. The Downtown Sign Zone, as defined in Section 23.04.100.D of this Title, has been formed in recognition of the need for more signage and for a greater variety of types of signs in the urban center of the City where densely packed commercial uses compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight.
  - 2. Urban Mixed-Use Development Area Sign Zone. Large, urban mixed-use

areas of the City, as defined in Section 23. 04.152, are areas of the City that warrant more flexible types of signage in order to reinforce active and vital nodes of the community that function in many ways in a similar manner to the Downtown Sign Zone.

3. Neighborhood Business Districts. Neighborhood Business Districts, as defined in Section 23.04.010.E, are existing business areas designated by the City for intensive rehabilitation. Because of extensive design analysis and City oversight in Neighborhood Business Districts, such districts shall be treated in this Title as special sign zones with sign regulations adapted to coordinate with and enhance City rehabilitation programs.
4. Capitol Expressway Auto Mall Signage Area. The Auto Mall reflects the desire of the City and the auto dealers of the auto mall to present a unified signage program between all the contiguous auto dealers on Capitol Expressway.
5. Airport Sign Zone. The Airport Sign Zone, as defined in Section 23.04.200.B, has unique land use characteristics that support specially tailored sign regulations. The Airport Sign Zone is an area of approximately one thousand acres and consists of land subject to the City's Airport Master Plan. The Airport Sign Zone is characterized by large expanses of open space and outdoor uses, including parking lots, runways/taxiways, and low intensity development consistent with aviation uses. This zone, because of its unique land use character, is less subject to visual clutter than other areas of the City.
6. Stevens Creek Signage Area. The Stevens Creek Signage Area, as defined in Section 23.04.010.G, reflects the desire of the City to provide a signage program for properties fronting on the south side of Stevens Creek Boulevard that is consistent with signage allowances applicable to those real properties fronting on the north side of Stevens Creek Boulevard located in the City of Santa Clara.

**SECTION 3.** Section 23.02.1220 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.02.1220 Capitol Expressway Auto Mall Signage Area and Stevens Creek Boulevard Signage Area.**

Any legal nonconforming sign located on a parcel within the Capitol Expressway Auto Mall Signage Area or the Stevens Creek Boulevard Signage Area, which signage areas are described in Section 23.04.010 of this Title, shall be brought into conformance with the applicable provisions of this Title prior to the erection or placement of any other sign on that parcel that comports with the signage allowed under the Capitol Expressway Auto Mall Signage Area regulations or the Stevens Creek Boulevard Signage Area regulations, whichever regulations apply to the particular site; provided, however, that such signs are not required to be brought into conformance with the signage regulations applicable to commercial and industrial zoning districts generally.

**SECTION 4.** Section 23.04.010 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.04.010 Application.**

- A. This Part shall govern standards for signage for all nonresidential uses in the CO, CP, CN, and CG Commercial Zoning Districts; the IP, LI, and HI Industrial Zoning Districts; the Neighborhood Business Districts; the Capitol Expressway Auto Mall Signage Area; and the Stevens Creek Boulevard Signage Area.
- B. Signage for residential uses shall be governed by Part 4 of this Chapter, subject to the provisions of Section 23.02.1000 regarding mixed uses.
- C. Standards for temporary signs shall be governed by Parts 7 and 8 of this Chapter.
- D. Legal nonconforming signs located within the Capitol Expressway Auto Mall Signage Area shall be governed by Section 23.02.1220 of Part 3 of Chapter 23.02 of this Title.
- E. For purposes of this Title, "Neighborhood Business District" shall mean any area so designated in the City General Plan.
- F. For purposes of this Title, "Capitol Expressway Auto Mall Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and

fronting along Capitol Expressway within the City between Almaden Expressway and the private parcel boundary immediately adjacent to and to the west of State Highway 87 on the south side of Capitol Expressway and between the Guadalupe River and approximately 1,300 feet east of the centerline of Pearl Avenue on the north side of Capitol Expressway.

- G. For purposes of this Title, "Stevens Creek Boulevard Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Stevens Creek Boulevard within the City between Winchester Boulevard and the City of San Jose limit line located approximate 850 feet east of State Route 280 and those real properties located entirely within the area bounded by Stevens Creek Boulevard, Kiely Avenue and Saratoga Avenue.

**SECTION 5.** Section 23.04.030 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**23.04.030    Free-standing Signs.**

A.    Quantity.

1. One (1) free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length.
2. Exceptions:
  - a. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed a total maximum of three (3) free-standing signs.
  - b. In addition to the signs allowed in Section 23.04.030.A.1, parcels located entirely within the Stevens Creek Boulevard Signage Area may have:
    - i. One (1) additional free-standing sign for each one hundred (100) linear feet of outdoor retail display frontage of that parcel up to a maximum of two (2) additional free-standing signs, provided that the total number of free-standing signs allowed on any parcel shall not exceed a total

maximum of three (3) free-standing signs.

- c. Parcels with more than five hundred (500) linear feet of street frontage along one single public right-of-way and zoned CG General Commercial District, IP Industrial Park District, LI Light Industrial District, HI Heavy Industrial District, or Planned Development (PD) Overlay District (allowing for uses similar to the CG General Commercial District, IP Industrial Park District, LI Light Industrial District, or HI Heavy Industrial District) may have one (1) additional free-standing sign for each four hundred (400) linear feet of street frontage along that particular public right away that is beyond the initial five hundred (500) linear feet of street frontage on that particular public right-of-way, subject to those size limitations set forth in Section 23.04.030 (B).
3. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to one square foot per each five linear feet of street frontage along that one public right of way.
2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twentysquare feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.
  - b. For parcels located entirely within the Stevens Creek Boulevard

Signage Area:

- i. The aggregate sign area of all free-standing signs allowed on a parcel pursuant to the provisions of this Section shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage along that one public right of way, except that any freestanding sign allowed for an outdoor retail display frontage shall not exceed a maximum sign area of seventy-five (75) square feet and shall not be included in the calculation of aggregate sign area.
- c. No free-standing sign shall have an area in excess of one hundred and fifty (150) square feet in any event.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty (20) feet.
2. Exception:
  - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free standing sign on the parcel shall not exceed nine (9) feet.
  - b. For parcels located entirely within the Stevens Creek Boulevard Signage Area, the maximum height of any free-standing sign on a parcel shall not exceed the square footage of the sign area divided by three and seventy-five hundredths (3.75) and in no event shall the height of the sign exceed forty (40) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet. for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10)



feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.

2. Exception:

- a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.

3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Sign Base. All freestanding signs shall be placed on a base of at least eighteen (18) inches in height that is architecturally consistent with the main building of the parcel and the freestanding sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly signs and blighted conditions.

2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.

3. Time and Temperature Signs.

- a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
- b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
- c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued

pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

**PASSED FOR PUBLICATION** of title this 19<sup>th</sup> day of May, 2009, by the following vote:

AYES: CHU, CONSTANT, KALRA, LICCARDO, NGUYEN,  
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS, CHIRCO, HERRERA.

DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST:



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LEE PRICE, MMC  
City Clerk